

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
UNITED STATES OF AMERICA

- v. -

FERNANDO GOMEZ,

Defendant.

: CONSENT PRELIMINARY ORDER  
OF FORFEITURE/  
MONEY JUDGMENT  
: S5 16 Cr. 387 (JMF)

:

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WHEREAS, on or about December 10, 2018, FERNANDO GOMEZ,

(the "defendant") was charged in a Superseding Indictment, S5 16 Cr. 387 (JMF) (the "Information") with (a) one count of conspiring to distribute and possess with the intent to distribute five kilograms or more of cocaine, in violation of Title 21, United States Code, Sections 841(b)(1)(A) and 846 (Count Eighteen) and (b) one count of using, carrying, and possessing a firearm during an in relation to that narcotics conspiracy, in violation of Title 18, United States Code, Section 924(c) (Count Nineteen);

WHEREAS, the Superseding Indictment included a forfeiture allegation as to Count Eighteen, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, of any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the offense charged in Count Eighteen, and any and all property used or intended to be used in any manner or part to commit and to facilitate the

commission of the narcotics violation charged in Count Eighteen, including, but not limited to a sum of money in United States currency representing the amount of all proceeds obtained as a result of the offense.]

WHEREAS, on or about August 9, 2019, the defendant pled guilty to a lesser included offense of Count Eighteen, that is, a conspiracy to distribute cocaine in violation of Title 21, United States Code Sections 841(b)(1)(C) and 846, pursuant to an agreement with the Government, wherein the defendant admitted to the forfeiture allegations with respect to that offense, and agreed to forfeit, pursuant to Title 21, United States Code, Section 853, a sum of money representing the amount of proceeds constituting or derived from the offense charged in Count Eighteen of the Superseding Indictment;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$3,700 in United States currency, representing proceeds traceable to the commission of the offenses charged in Count Eighteen of the Superseding Indictment; and

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorney, Lara Pomerantz of counsel, and the defendant, and his counsel, Bertram C. Okpokwasili, Esq., that:

1. As a result of the offense charged in Count Eighteen, a money judgment in the amount of \$3,700 in United States currency (the "Money Judgment") represents proceeds traceable to the commission of the offense charged in Count Eighteen.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, FERNANDO GOMEZ, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. The United States Marshals Service shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of

substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFERY S. BERMAN  
United States Attorney for the  
Southern District of New York

By: Lara Pomerantz  
Lara Pomerantz  
Assistant United States Attorney  
(212) 637-2343

2/12/2020  
DATE

FERNANDO GOMEZ

By: Fernando Gomez  
Fernando Gomez

02-12-2020  
DATE

By: Bertram C. Okpokwasili, Esq.  
Bertram C. Okpokwasili, Esq.  
Attorney for Defendant  
The Law Office of Bertram C. Okpokwasili

02/12/2020  
DATE

SO ORDERED:

Jesse M. Furman  
THE HONORABLE JESSE M. FURMAN  
UNITED STATES DISTRICT JUDGE

2/12/2020  
DATE